

ENTERED

January 18, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

EMMANUEL AVILA,
Petitioner,

v.

ERIC GARZA, ET AL.,
Respondents.

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Civil Action No. 1:21-cv-00056

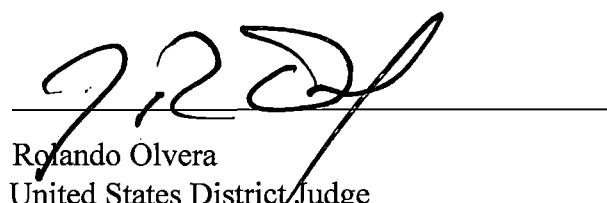
ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 29). The R&R recommends this Court (1) grant “Defendants Fermin Leal, Jose Luis Gracia & Emanuel Zepeda’s Motion to Dismiss” (“Motion to Dismiss”) (Dkt. No. 22) and (2) dismiss with prejudice Petitioner’s claims against Defendants Fermin Leal, Jose Luis Gracia, and Emanuel Zepeda (“Defendants”).

Objections were due December 16, 2021. No objections were filed by either party. If there have been no objections to the magistrate’s ruling, then the appropriate standard of review is “clearly erroneous, abuse of discretion and contrary to law.” *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondents’ Motion to Dismiss (Dkt. No. 22) is **GRANTED**, and Petitioner’s claims against Defendants Fermin Leal, Jose Luis Gracia, and Emanuel Zepeda are **DISMISSED WITH PREJUDICE**.

Signed on this 18th day of January, 2022.



Rolando Olvera
United States District Judge